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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,739	10/14/2003	Gary J. Brewer	NOR-1106A	4287
37172	7590	05/24/2006		
WOOD, HERRON & EVANS, LLP (NORDSON) 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202				
			EXAMINER TADESSE, YEWEBDAR T	
			ART UNIT 1734	PAPER NUMBER

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/684,739

Applicant(s)

BREWER, GARY J.

Examiner

Yewebdar T. Tadesse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 8-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/22/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-7, drawn to an apparatus, classified in class 118, subclass 300.
 - II. Claims 8-13, drawn to a method, classified in class 427, subclass 256.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus can be used for dispensing liquids into containers or forming continuous coatings on small substrates or intermittent coatings.

3. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

4. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

5. During a telephone conversation with Kevin Rooney on 1/11/2006 a provisional election was made without traverse to prosecute the invention of group I, claims 1-7.
6. Affirmation of this election must be made by applicant in replying to this Office action. Claims 8-13 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 4-5 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Acum et al (US 7,028,867).

With respect to claim 1, Acum et al discloses (see Fig 1 and column 7, line 60- column 8, line 67) a system for dispensing a liquid in coating patterns of selectively varying width, comprising a film coater (12) for receiving the liquid and having dispensing nozzle for dispensing the liquid, a liquid pressure regulator (126) operatively connected to the film coater for selectively adjusting the pressure of the liquid supplied to the film coater, the liquid pressure regulator operated by pressurized air; a selector valve (93) coupled

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to the liquid pressure regulator a first air pressure regulator (120) coupled to the selector valve and configured to deliver the pressurized air at a first pressure to the selector valve; a second air pressure regulator (121) coupled to the selector valve and configured to deliver the pressurized air at a second pressure to the selector valve; and a control (motion controller 26 in communication with a computer 16) for moving the selector valve between first and second positions for selectively delivering the pressurized air under either the first pressure or the second pressure to the liquid pressure regulator to thereby cause the liquid to be delivered to the film coater at different pressures to change the width of the dispensed liquid coating pattern from the nozzle.

Regarding claim 4, in Acum et al the control is configured for automatic selection of a first mode corresponding to the first position of the selector valve, and a second mode corresponding to the second position of the selector valve (see Fig 1 and column 7, line 60- column 8, line 67).

As to claim 5, in Acum et al the first pressure regulator is configured to provide the pressurized air to the selector valve at a pressure of approximately 10 psi to approximately 30 psi (see column 8, lines 54-59).

As to claim 7, in Acum et al the first air pressure regulator is configured to provide the pressurized air to the selector valve at a pressure greater than the second air pressure regulator.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Acum et al (US 7,028,867) in view of WO 89/01989. Acum et al lacks teaching a crosscut nozzle. However the use of crosscut nozzle is well known in the art (see claim 4 of WO'989). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a crosscut nozzle in Acum et al to form a dove tail shaped flat fan pattern as taught by WO'989 (see Abstract).

12. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Acum et al (US 7,028,867) in view of Scharfenberger (US 4,159,806).

Acum et al discloses a system configured for automatic selection of mode of the selector valves to apply the fluid at the predetermined liquid pressure (see column 8,

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lines 17-24), however a control comprises a user interface configured for selection, by an operator, of the modes selector valve is not shown in Acum et al. Scharfenberger discloses a user interface configured for selection of modes of selector valves for an operator (see switch 110 of Fig 3a). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a control comprises a user interface configured for selection, by an operator, of the modes selector valve in Acum et al to switch from one mode to another mode.

13. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Acum et al (US 7,028,867) in view of Hogan et al (US 6,325,853).

In Acum et al the pressure regulator is not configured to provide the pressurized air to the selector valve at a pressure less than approximately 10 psi. However, Hogan et al discloses a pressure regulator configured to provide the pressurized air to the selector valve at a pressure less than approximately 10 psi (see column 7, lines 64-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a pressure regulator configured to provide the pressurized air to the selector valve at a pressure less than approximately 10 psi in Acum et al to apply a soft swirl spray pattern of the liquid coating material.

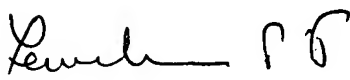
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yewebdar T. Tadesse whose telephone number is (571)

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272-1238. The examiner can normally be reached on Monday-Friday 8:00 AM-4: 30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


YTT